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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,033	09/28/2000	Blair B.A. Birmingham	ATI-000090	7656
34456	7590	04/21/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,033

Applicant(s)

BIRMINGHAM, BLAIR B.A.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



DETAILED ACTION

1. Claims 1-46 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 2/28/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-46 is maintained.

Applicant argues, (1) “cited reference Endo, 6,615,303 do not disclose, teach, or suggest all of the features of the claimed subject matter. In particular, the reference fail to disclose, teach or suggest the Applicant’s claimed limitations, “an appliance operating system dedicated to control the information handling device to operate a subset of the one or more appliances of the information handling system and a general operating system to perform general information handling tasks”. The examiner respectfully disagrees in response to applicant's arguments. Endo teaches the claimed limitations, “an appliance operating system (e.g., figure 1, figure 1, col. 20, lines 31 – 36, col., 11, lines 57 – 67, col., 12, lines 1 – 28) dedicated (e.g., col., 12, lines 1 – 28, figure 1) to control the information handling device (e.g., col., 9, lines 46 – 67, col., 12, lines 1 – 28, figure 1) to operate a subset of the one or more appliances (e.g., col., 9, lines 46 – 67, col., 12, lines 1 – 28, figure 1), of the information handling system (e.g., figure 1), and a general operating system to perform general information handling tasks (e.g., figure 1, figure 1, col., 9, lines 46 – 67, col., 11, lines 57 – 67, col., 12, lines 1 – 28)”, as claimed. Endo teaches that the switch 190 is dedicated to real time OS 117 and switch 191 is dedicated to “office work” OS (e.g., figure 1, col., 9, lines 46 – 67, col., 11, lines 57 – 67, col., 12, lines 1 – 28). “real time OS 117” operating system is dedicated to handle Switch 190 (e.g., figure 1, col., 9, lines 46 – 67,

Art Unit: 2154

col., 11, lines 57 – 67, col., 12, lines 1 – 28). “office work” OS is dedicated to handle Switch 191 (e.g., figure 1, col., 9, lines 46 – 67, col., 11, lines 57 – 67, col., 12, lines 1 – 28). Endo also discloses more than one dedicated operating systems (e.g., figure 1, col., 9, lines 46 – 67, col., 11, lines 57 – 67, col., 12, lines 1 – 28) to control the information handling device (e.g., figure 1), as claimed. Real time OS 117 operating system, “office work” OS are dedicated operating systems, which is similar to applicant’s specification that contains operating systems that share computer resources (e.g., figure 1 of the specification). The claim is open-ended (comprising). Also, page 16, lines 1-6, of the specification clearly states, “the present invention is not intended to be limited to the specific form set forth herein, but on the contrary it is intended to cover such alternatives, modifications, and equivalents, as can be reasonably included within the spirit and scope of the invention. The preceding detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined only by the appended claims”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Applicant argues, (2) limitations, “storing and obtaining operating system into/from storage devices including non-volatile memory, read-only memory, mass storage device”, “two different operating systems in different types of storage components”, is not well known in the art, and there is no motivation to combine these limitations with the teachings of Endo. The examiner respectfully disagrees in response to applicant's arguments. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure

Art Unit: 2154

1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 - 34)", "two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 - 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 - 34)". Endo clearly discloses handling multiple different operating systems (e.g., figure 1) and usage of memory (e.g., figure 2) for the different operating systems (e.g., figure 1). Pineau's teachings, i.e., the well-known concept of storing and obtaining operating system into/from storage devices including non-volatile memory, read-only memory, mass storage device and having two different operating systems in different types of storage components, would help store the operating systems as necessary. The storage components / memory would help retain the operating systems. Therefore, the rejection is maintained.

Applicant argues, (3) "cited reference Endo, 6,615,303 do not disclose, teach, or suggest claimed subject matter, In particular, the reference fail to disclose, teach or suggest the applicant's claimed limitation, "wireless interface". The examiner respectfully disagrees in response to applicant's arguments. Endo teaches the limitation, "wireless interface (e.g., use of sensor of figure 1, interface of figure 1, and use of vehicle mounted navigation system, figure 1, col., 19, lines 7 - 30, col., 1, lines 31 - col., 2, line 44)". The claim is open-ended (comprising). Also, page 16, lines 1-6, of the specification clearly states, "the present invention is not intended to be limited to the specific form set forth herein, but on the contrary it is intended to cover such alternatives, modifications, and equivalents, as can be reasonably included within the spirit and scope of the invention. The preceding detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined only by the appended claims".

Art Unit: 2154

Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 28, 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Endo et al. 6,615,303 (Hereinafter Endo), as per office action dated 10/24/2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 7-27, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo in view of "Official Notice", as per office action dated 10/24/2004.

Art Unit: 2154

Conclusion

6. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

April 18, 2005

 JOHN FOLLANSBEE
SUPERVISOR PATENT EXAMINER
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